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Preparatory Committee
Fourth session
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Item 5 on the provisional agenda

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Addendum

Contribution of the Organisation of the Islamic Conference

The attention of the Preparatory Committee is drawn to the attached contribution submitted by Dr. N.S. Tarzi, the Ambassador of the Organisation of the Islamic Conference to the Office of the United Nations at Geneva. The contribution consists of the Cairo Declaration on Human Rights in Islam, which was adopted on 5 August 1990, and also resolution 41/21-P of the Twenty-First Islamic Conference of Foreign Ministers (Session of Islamic Unity and Co-operation for Peace, Justice and Progress) held in Karachi from 25 to 29 April 1993. In this resolution it was requested that the Cairo Declaration and the resolution be considered as a contribution of the Organisation of the Islamic Conference to the World Conference on Human Rights.

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بسم الله الرحمن الرحيم

The Organisation of the Islamic Conference

ANNEX TO
RES. No. 49/19 - P

THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

ANNEX TO
RES. NO.49/19-P

THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

The Member States of the Organisation of the Islamic Conference,

Reaffirming the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization.

Wishing to contribute to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah

Convinced that mankind which has reached an advanced stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization and of a self motivating force to guard its rights;

Believing that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion and that no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible - and the Ummah collectively responsible - for their safeguard.

Proceeding from the above-mentioned principles,

Declare the following:

ARTICLE I:

(a) All human beings form one family whose members are united by submission to God and descent from Adam. All

ANNEX TO
RES. NO.49/19-P

men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.

(b) All human beings are God's subjects, and the most loved by Him are those who are most useful to the rest of His subjects, and no one has superiority over another except on the basis of piety and good deeds.

ARTICLE 2:

(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and states to protect this right from any violation, and it is prohibited to take away life except for a Shari'ah prescribed reason.

(b) It is forbidden to resort to such means as may result in the genocidal annihilation of mankind.

(c) The preservation of human life throughout the term of time willed by God is a duty prescribed by Shari'ah

(d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Sharia-prescribed reason.

ARTICLE 3:

(a) In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old man, women and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed. It is prohibited to mutilate dead bodies. It is a duty to exchange prisoners of war and to arrange visits or reunions of the families separated by the circumstances of war.

(b) It is prohibited to fell trees, to damage crops or livestock, and to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means.

ANNEX TO
RES. NO.49/19-P

ARTICLE 4:

Every human being is entitled to inviolability and the protection of his good name and honour during his life and after his death. The state and society shall protect his remains and burial place.

ARTICLE 5:

(a) The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right.

(b) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.

ARTICLE 6:

(a) Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.

(b) The husband is responsible for the support and welfare of the family.

ARTICLE 7:

(a) As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be protected and accorded special care.

(b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari'ah

(c) Both parents are entitled to certain rights from their children, and relatives are entitled to rights from

ANNEX TO
RES. NO.49/19-P

their kin, in accordance with the tenets of the Shari'ah.

ARTICLE 8:

Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment, should this capacity be lost or impaired, he shall be represented by his guardian.

ARTICLE 9:

(a) The question for knowledge is an obligation and the provision of education is a duty for society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the Universe for the benefit of mankind.

(b) Every human being has the right to receive both religious and worldly education from the various institutions of, education and guidance, including the family,the school, the university, the media, etc., and in such an integrated and balanced manner as to develop his personality, strengthen his faith in God and promote his respect for and defence of both rights and obligations.

ARTICLE 10:

Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.

ARTICLE 11:

(a) Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to God the Most-High.

(b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States and peoples to support the struggle of colonized peoples for

ANNEX TO
RES. NO.49/19-P

the liquidation of all forms of colonialism and occupation, and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources.

ARTICLE 12:

Every man shall have the right, within the framework of Shari'ah, to free movement and to select his place of residence whether inside or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety, unless asylum is motivated by an act which Shari'ah regards as a crime.

ARTICLE 13:

Work is a right guaranteed by the State and Society for each person able to work. Everyone shall be free to choose the work that suits him best and which serves his interests and those of society. The employee shall have the right to safety and security as well as to all other social guarantees. He may neither be assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way. He shall be entitled - without any discrimination between males and females - to fair wages for his work without delay, as well as to the holidays allowances and promotions which he deserves. For his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.

ARTICLE 14:

Everyone shall have the right to legitimate gains without monopolization, deceit or harm to oneself or to others. Usury (riba) is absolutely prohibited.

ANNEX TO
RES. NO.49/19-P

ARTICLE 15

(a) Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of immediate and fair compensation.

(b) Confiscation and seizure of property is prohibited except for a necessity dictated by law.

ARTICLE 16:

Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical production and the right to protect the moral and material interests stemming therefrom, provided that such production is not contrary to the principles of Shari'ah.

ARTICLE 17:

(a) Everyone shall have the right to live in a clean environment, away from vice and moral corruption, an environment that would foster his self-development and it is incumbent upon the State and society in general to afford that right.

(b) Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

(c) The State shall ensure the right of the individual to a decent living which will enable him to meet all is requirements and those of his dependents, including food, clothing, housing, education , medical care and all other basic needs.

ARTICLE 18:

(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property.

ANNEX TO
RES. NO.49/19-P

(b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.

(c) A private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

ARTICLE 19:

(a) All individuals are equal before the law, without distinction between the ruler and the ruled.

(b) The right to resort to justice is guaranteed to everyone.

(c) Liability is in essence personal.

(d) There shall be no crime or punishment except as provided for in the Shari'ah

(e) A defendant is innocent until his guilt is proven in a fair trial in which he shall be given all the guarantees of defence.

ARTICLE 20:

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of humiliation, cruelty or indignity. Nor is it permitted to subject an individual to medical or scientific experimentation without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

ARTICLE 21:

Taking hostages under any form or for any purpose is expressly forbidden.

ANNEX TO
RES. NO.49/19-P

ARTICLE 22:

(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.

(b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah

(c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.

(d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.

ARTICLE 23:

(a) Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

ARTICLE 24:

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

ARTICLE 25:

The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

Cairo, 14 Muharram 1411H
5 August 1990

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RESOLUTION NO. 41/21-P.
ON
COORDINATION AMONG MEMBER STATES IN
THE FIELD OF HUMAN RIGHTS

The Twenty-First Islamic Conference of Foreign Ministers (Session of Islamic Unity and Cooperation for Peace, Justice and Progress), held in Karachi, Islamic Republic of Pakistan from 4 to 8 Zul Qa'dah 1413H (25-29 April 1993),

Bearing in mind the objectives of the Charter of OIC and the "Cairo Declaration on Human Rights in Islam" to promote and encourage respect for human rights and fundamental freedoms for all in accordance with Islamic values and teachings as well as the Charter of the United Nations and the Universal Declaration on Human Rights;

Mindful of the Islamic values on human rights, the supreme place of mankind in Islam as vicegerent of Allah on earth and accordingly the great importance that is being attached by the Islamic thought to promote and encourage respect for human rights;

Aware that the increasing importance of human rights throughout the world calls for further intensification of the efforts of the Islamic Ummah and Islamic organizations in order to take appropriate initiatives at the national, regional and international levels for the promotion and protection of human rights;

Emphasizing the significance of the World Conference on Human rights, which provides an invaluable opportunity to review all aspects of human rights and ensure a just and balanced approach thereto;

Recognizing the contribution that can be made to the World Conference by Islamic countries on the basis of the valuable guidelines contained in the "Cairo Declaration on Human Rights in Islam";

Believing that the respect of human rights is an integral part of Islam;

Bearing in mind the existence of different constitutional and legal systems among OIC Member States and various international or regional human rights instruments to which they are parties;

Reaffirming the principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states;

Recognizing that the promotion and protection of human rights should be encouraged by cooperation and consensus, and not through confrontation and the imposition of incompatible values;

Reiterating the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the inherent interrelationship between development, democracy, universal enjoyment of all human rights, and social justice which must be addressed in an integrated and balanced manner;

Considering that Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation;

Recalling that the international community has a duty to fulfill its commitment to eradicate poverty, which is a major obstacle to any effort aimed at sustainable development and the full realization of human rights;

1. Reaffirms its commitment to the principles contained in the Charter of the OIC as well as the "Cairo Declaration on Human Rights in Islam" as general guidelines and the Charter of the United Nations.

2. Emphasizes the principles of respect for national sovereignty and territorial integrity as well as non-interference in the internal affairs of states, and the non-use of human rights as an instrument of political or economic pressure.

3. Reiterates that all countries, large and small, have the right to determine their political systems, control and freely utilize their resources, and freely pursue their economic, social and cultural development.

4. Stresses the necessity of achieving universality, objectivity, and non-selectivity in the application of human rights standards and instruments.

5. Recognizes that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, taking into account the various historical, cultural and religious backgrounds and the principal legal systems.

6. Emphasizes the necessity to rationalize the United Nations human rights mechanism in order to enhance

its effectiveness and efficiency and avoid duplication of tasks and multiple parallel mechanisms.

7. Reaffirms the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the need to give equal emphasis to all categories of human rights.

8. Expresses concern over violation of human rights, including manifestations of racial discrimination, racism, apartheid, colonialism, foreign aggression and occupation, and the establishment of illegal settlements in occupied territories, as well as the recent resurgence of intolerance, neo-nazism, xenophobia and ethnic cleansing.

9. Reiterates that self-determination is a principle of international law and a universal right recognized by the United Nations for peoples under alien or colonial domination or foreign occupation, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development, and that its denial constitutes a grave violation of human rights.

10. Stresses that the right to self-determination is applicable to peoples under alien or colonial domination or foreign occupation, and should not be used to undermine the territorial integrity, national sovereignty and political independence of States.

11. Strongly reaffirms its support for the legitimate struggle of the Palestinian people to restore their national and inalienable rights to self-determination and independence, and demands an immediate end to the grave violations of human rights in the Palestinian, Syrian Golan and other occupied Arab territories including Jerusalem as well as the immediate withdrawal of Israeli forces from all occupied territories.

12. Reaffirms its support for the legitimate struggle of the people of South Africa for the total eradication of Apartheid and their right to establish a non-racial democratic system.

13. Reaffirms its support for the fundamental human rights of the people of Jammu and Kashmir, including their right to self-determination and calls for an immediate end to the violations of their human rights.

14. Condemns the genocide being perpetrated against the people of Bosnia-Herzegovina and calls for urgent action by the international community to halt the massive violations of their human rights.

15. Reaffirms its strong commitment, in accordance with article 6 of the "Cairo Declaration on Human Rights in Islam", to the promotion and protection of the rights of women.

16. Recognizes the rights of the child and the mother to enjoy special protection and also the right of every child due from parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care.

17. Urges the international community to give priority to the rendering of appropriate assistance to children who are victims of hunger, disease, drought, and armed conflicts and to allocate adequate resources for this purpose.

18. Requests the Secretary General to coordinate effectively the participation of the member states in the World Conference on Human Rights, and report to the Twenty-Second Islamic Conference of Foreign Ministers, the progress in implementation of the present resolution.

19. Requests also the Secretary General to transmit this resolution along with the "Cairo Declaration on Human Rights in Islam" to the Secretary General of the World Conference on Human Rights as a contribution of OIC to the Conference.